

**BOARD OF LICENSING OF AUCTIONEERS
BOARD MEETING MINUTES
June 7, 2006**

MEMBERS PRESENT

Raymond Williams
Edward Leary
Roger Chesley

OTHERS PRESENT

Carol Leighton, Administrator
Robert Perkins, Assistant Attorney General
Deborah Fales, Licensing Clerk
Susan Greenlaw, Board Clerk

MEMBERS ABSENT

James Keating
William Macomber

Location: Androscoggin Room

Start: 9:00 a.m.

Adjourn: 10:54 a.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Board Chair Raymond Williams.

AGENDA MODIFICATIONS

- Advertisement

OLD BUSINESS

Action on Minutes of April 5, 2006 Meeting

A motion was made by Roger Chesley to accept the minutes of the April 5, 2006 meeting as presented; seconded by Edward Leary. Unanimous.

NEW BUSINESS

Administrator's Report

The number of licensees is gradually decreasing. The Board's cash balance continues to be monitored and a fee increase may be necessary.

Internet auctions and Ebay: There may be an article published in the NY Times regarding this issue.

The Board will review and update the current exam at the next meeting.

Advertising Requirements: The Board's statute and rules require the auctioneer's name and license number on advertisements. Many published advertisements are not including both. A motion was made by Roger Chesley to send a reminder to all licensees regarding the advertising requirement, referencing the Board's statute and rule; seconded by Edward Leary. Unanimous

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Advertisement of Real Estate for Sale by Auction: AAG Perkins suggested that the advertisement should identify the name of person who knows the property and include a tag line with the auctioneer's name and license number. A motion was made by Edward Leary to include in the letter to licensees – real estate auction ads need to be handled in accordance with 32 M.R.S.A. §291(1)(F) and Board Rules Chapter 50, Section 1(A); seconded by Roger Chesley. Unanimous.

Licensing Requirements for Attorneys: The Board reviewed a letter from an individual inquiring if it is necessary for an attorney to, without a court order, conduct a foreclosure sale pursuant to a statutory power of sale contained in a mortgage deed to be licensed as an auctioneer. The letter indicates that 32 M.R.S.A. §286(5) narrowly exempts any individual conducting a foreclosure sale pursuant to a court order.

A motion was made by to Edward Leary to respond that absent an amendment to §286(5), a person conducting a foreclosure sale pursuant to a statutory power of sale contained in a mortgage deed (Title 14 §6203-A) would not be exempt from the licensing requirements as set forth in §285; seconded by Raymond Williams. Unanimous.

Complaint Officer's Report

#AUC-188/189: Edward Leary recused himself and left the room. A motion was made by Roger Chesley to dismiss because each of these cases represents the same conduct in the same time frame as the six cases already resolved in the June 2, 2004 Decision & Order revoking his license, therefore the Board is dismissing without prejudice because it serves no purpose to pursue it further at this time; he did not respond to the complaint and was provided additional opportunity on 4/21/06 to respond and he continued to not respond; seconded by Raymond Williams. Chesley and Williams voted in the affirmative; none opposed. Motion carried.

Examination Results – May 17, 2006

Six individuals were scheduled. Four individuals took the exam and received passing scores. The next examination is scheduled for July 19, 2006.

Review and Action on Applications

No applications for review.

Correspondence

Email – Special Meeting of NALLOA: NALLOA met on 5/22/06 to discuss the UAALA. Additional information will be requested for review at the next meeting.

Next Meeting Scheduled for August 2, 2006

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OTHER BUSINESS

An advertisement listing an auctioneer who is not listed was discussed and referred to the Attorney General's office for follow up.

ADJOURN

There being no other business, the meeting adjourned at 10:54 a.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk